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3974 North Campbell Avenue  
Tucson, Arizona 85719

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20 North 19th Avenue  
Phoenix, Arizona 85015



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R. E. Dennes, D.O.

May 31, 1991

David Burnett, D.O.  
5520 E. Main #3  
Mesa, AZ 85205

RE: Case #1241,

Dear Dr. Burnett:

Based on the information adduced during your informal interview with the Board of Osteopathic Examiners in Medicine and Surgery on Friday, April 19, 1991, the Board duly voted to ISSUE YOU A DECREE OF CENSURE for violation of Arizona Revised Statutes §32-1854.21, "Failing or refusing to maintain adequate records on a patient", and §32-1854.19, "Any conduct or practice contrary to recognized standards of ethics of the osteopathic medical profession or any conduct or practice which does or might constitute a danger to the health, welfare or safety of the patient or the public or any conduct, practice or condition which does or might impair the ability safely and skillfully to practice medicine."

A Decree of Censure constitutes a formal written reprimand for a violation of one or more provisions of the Arizona Osteopathic Practice Act and is an official action against your license. However, it does not limit your practice in any way.

If you have any questions about this action, please feel free to contact me.

Sincerely,

*Robert J. Miller, Ph.D.*

Robert J. Miller, Ph.D.  
Executive Director

*R.B.*

PRESIDENT

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James L. Clubine

MEDICAL CONSULTANT  
R. E. Dennis, D.O.

August 7, 1991

David Burnett, D.O.  
5520 West Main Street  
Suite #4  
Mesa, Arizona 85205

Dear Dr. Burnett:

Enclosed you will find the Decree of Censure which was voted to be issued to you at the April 19-20, 1991 meeting of the Arizona Board of Osteopathic Examiners in Medicine and Surgery. Should you desire to appeal this Decree, or ask that the Board review and/or reconsider its action, you must file such request with the Board within ten (10) days of the date upon which this Decree was mailed to you. In your appeal, please cite specific facts or situations upon which you base your request.

Should you have any questions regarding this matter, please contact the Board office.

Sincerely,

Robert J. Miller, Ph.D.  
Executive Director

In the matter of	)	
DAVID BURNETT, D.O.	)	No. 1241
holder of License No. 1720	)	
for the practice of	)	
osteopathic medicine and	)	FINDINGS OF FACT,
surgery in the State of	)	CONCLUSIONS OF LAW
Arizona	)	AND ORDER

### FINDINGS OF FACT

David Burnett, D.O. is the holder of license No. 1720 for the practice of osteopathic medicine and surgery in the State of Arizona.

From March 14, 1989 through January 31, 1990, David Burnett, D.O. maintained a private practice in osteopathic

1 medicine and surgery known as Apache Trail Family Practice.  
2 Between the dates of March 14, 1989 and June 30, 1989, Don  
3 Anderson, D.O., was associated with David Burnett, D.O. in  
4 Apache Trail Family Practice.

5 III

6 On or about March 14, 1989, R.B., a female patient,  
7 received care and treatment from Don Anderson, D.O. at the  
8 offices of Apache Trail Family Practice. During the course of  
9 such visit, R.B. complained of tenderness in her left breast.  
10 At that time, Don Anderson, D.O. ordered that R.B. undergo a  
11 mammogram.

12 IV

13 A mammogram was performed on R.B. on or about March 16,  
14 1989. The results of said mammogram, including a report  
15 recommending a biopsy, were received at the offices of Apache  
16 Trail Family Practice within 14 days following the mammogram  
17 examination.

18 V

19 On about April 21, 1989 and December 11, 1989, David  
20 Burnett, D.O. personally administered care and treatment to R.B.

21 VI

22 David Burnett, D.O. failed to examine the results of  
23 R.B.'s mammogram prior to January 19, 1990.

24 VII

25 On or about February 1, 1990, a biopsy was performed on  
26 R.B. which revealed the presence of breast cancer. R.B.  
subsequently received a mastectomy.

1 CONCLUSIONS OF LAW

2 VIII

3 The conduct described in paragraphs II through VII  
4 herein constitutes unprofessional conduct as defined in A.R.S.  
5 § 32-1854(19): Conduct or practice contrary to recognized  
6 standards of ethics of the osteopathic medical profession or  
7 conduct or practice which does or might constitute a danger to  
8 the health, welfare or safety of the patient or the public.

9 IX

10 The conduct described in paragraphs II through VIII  
11 herein constitutes unprofessional conduct as defined in A.R.S.  
12 § 32-1854(21): Failing to maintain adequate records on a  
13 patient.

14 ORDER

15 IT IS HEREBY ORDERED that, pursuant to A.R.S.  
16 § 32-1855(E)(3), a decree of censure issue against license  
17 No. 1720 held by David Burnett, D.O.

18 DATED this 20<sup>th</sup> day of April, 1991.

19 BOARD OF OSTEOPATHIC EXAMINERS  
20 IN MEDICINE AND SURGERY OF THE  
21 STATE OF ARIZONA

22 by William C. Inboden, Jr., D.O.

23 [S E A L]

24 6905A.28